

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow. Claims 1-4, 6-19 and 24-27 remain pending in this application.

Claim Rejections under 35 U.S.C. § 103

Claims 1-4, 6-19 and 24-27 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Han et al. in view of Applicant Admitted Prior Art (AAPA). In response, Applicant respectfully traverses the rejection for the reasons set forth below.

Applicant relies on MPEP § 2143, which requires that all the claim limitations be considered. Considering all the claim limitations as required by MPEP § 2143.03, the cited references do not identically disclose, teach or suggest all the claim limitations. *See In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claim 1 is directed to a method of generating data. Claim 10 is directed to a computing device arranged to hold data intended for transmission to at least one of a predetermined combination of data receiving devices. Claims 13, 25 and 27 are directed to a device arranged to concurrently establish a data connection between a computing device and at least a first and a second data-receiving device. Claims 15 and 24 are directed toward a network comprising at least one computing device and at least two data receiving devices.

For example, the method of claim 1 recites providing data, at least one rule, and identifiers, wherein the identifiers are associated with portions of the data and are arranged to identity those portions of the data, wherein the identifiers provide an indication of the importance of a portions of data relative to other portions of the same data, and the at least one rule specifies for the predetermined combination of first and second data-receiving devices to which device a portion of the data having a predetermined identifier should be sent. Independent claims 10, 13, 15, 24, 25 and 27 contain similar limitations.

One advantage of the method and devices for carrying out the method is that it allows portions of a data file to be transmitted to various devices based on the importance of the data without specifying how the data should be presented, knowing what users have access to a certain device, or specifying which devices can or cannot access the data. The importance or

priority of a data element is indicative of the significance of the data element in conveying information. For example, for certain data, the title and text may be more important than an image and thus given a higher priority. Regardless of the type of receiving devices or the users of the receiving devices, the devices can be configured to display information based on priority. For example, the data may be transmitted to one PDA configured to display the title, text and image. In contrast, a web page can be configured only to display the title and text of a data transmission.

Han does not disclose, teach or suggest each and every element of the independent claims. Han is directed to an XML framework used in multi-device web browsing. Han discloses a framework that splits a web page and delivers appropriate partial views of the web page to multiple user devices. However, Han fails to disclose that the identifiers are associated with portions of the data and are arranged to identify those portion of the data, wherein the identifiers provide an indication of the importance of a portion of data relative to other portions of the same data as claimed in amended independent claims 1, 10, 13, 15, 24, 25 and 27.

To cure the deficiencies of Han, the Office Action relies on AAPA. However, it would not have been obvious for one skilled in the art to combine the teachings of Han and AAPA since Han teaches away from rules that use identifiers that provide an indication of importance for determining where information is sent. Han approaches importance from the perspective of the user. Han is directed to a system that maps specifically tagged information to specific devices or users. Han specifically states, “Our intent is for each uniquely named tag on a page to have its own demultiplexing policy describing the output devices to which the tag may be delivered.” *See p. 223.* “The policy file defines privilege groups, and then defines what subset of XML tags each privilege group is permitted to receive.” *See p. 224.* Further, as shown in Fig. 4, Han hard codes to which device each block of information is sent with the “<cmdb: device name = “”>” tag based on who the user of that device will be. The user is determined by the “<cmdb:group name = “lecturer”” tag. In contrast, AAPA discloses sending data of the correct importance based on the devices functional capabilities.

It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). Here, the way in which Han and AAPA classify and transmit information teach away from their combination.

Even if an identifier indicating importance was included as one of the XML tags in the policy file show in Fig. 4 of Han, it is unclear what purpose or use it would have since, as stated above, Han hard codes the destination device for a block of information based on who the user of that device will be. Thus, the combination of Han and AAPA would not identically disclose a rule that “specifies for the predetermined combination of first and second data-receiving devices to which device a portion of the data having a predetermined identifier should be sent” where the identifier provides “an indication of the importance of a portion of data relative to other portions of the same data” as claimed. Thus, the claimed subject matter leaves it to the settings of the specific device to determine what data it will display. Accordingly, the present invention can be implemented with greater flexibility and for a wide range of devices.

Accordingly, Applicant requests that the rejection be withdrawn and independent claims 1, 10, 13, 15, 24, 25 and 27 be allowed. Further, claims 2-4, 6-9, 11-12, 14, 16-19 and 26 depend from one of claims 1, 10, 13, 15, 24, 25 and 27 and should be allowed for the reasons set forth above without regard to further limitations recited therein.

If this rejection of the claims is maintained, the examiner is respectfully requested to provide an articulated reason, supported by some evidence, as to why one skilled in the art would combine Han and AAPA to arrive at the claimed subject matter. The Supreme Court in the *KSR Int'l Co. v. Teleflex, Inc.*,” 127 S.Ct. 1727 (U.S. 2007), recently clarified the standards for obviousness. For example, the Court has stated that “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the art...it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.” *KSR* at 1741. In addition, the Court in *KSR* stated

that a reason to combine elements should be made explicit. *Id.* at 1740-41.¹ Indeed, the Court approvingly cited *In re Kahn*, 441 F.3d 977 (Fed. Cir. 2006), for requiring an articulated reason. *Id.* at 1741.²

¹ “Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit.” *Id.* at 1740-41.

² “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness” *Id.* at 1741.

Conclusion

Applicant believes that the present application is now in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 C.F.R. § 1.25. Additionally, charge any fees to Deposit Account 08-2025 under 37 C.F.R. § 1.16 through § 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Respectfully submitted,

Date July 21, 2008

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